

FILED: May 8, 2017

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-1522 (L)
(5:15-cv-00627-BO)

FREDERICK L. ALLEN; NAUTILUS PRODUCTIONS, LLC

Plaintiffs - Appellees

v.

ROY A. COOPER, III, as Governor of North Carolina; SUSAN WEAR KLUTTZ, Secretary of the North Carolina Department of Natural and Cultural Resources, individually and in her official capacity; KARIN COCHRAN, Chief Deputy Secretary of the North Carolina Department of Natural and Cultural Resources, individually and in her official capacity; KEVIN CHERRY, Deputy Secretary of the North Carolina Department of Natural and Cultural Resources, individually and in his official capacity; STEPHEN R. CLAGGETT, a/k/a Steve Claggett, State Archaeologist, individually and in his official capacity; JOHN W. MORRIS, a/k/a Billy Ray Morris, Deputy State Archaeologist - Underwater and Director of the Underwater Archaeology Branch of the North Carolina Department of Natural and Cultural Resources, individually and in his official capacity; NORTH CAROLINA DEPARTMENT OF NATURAL AND CULTURAL RESOURCES; STATE OF NORTH CAROLINA; CARY COX, Assistant Secretary, Marketing and Communications of the North Carolina Department of Natural and Cultural Resources, individually and in her official capacity

Defendants - Appellants

and

FRIENDS OF QUEEN ANNE'S REVENGE, A NON-PROFIT CORPORATION

Defendant

No. 17-1602
(5:15-cv-00627-BO)

FREDERICK L. ALLEN; NAUTILUS PRODUCTIONS, LLC

Plaintiffs - Appellants

v.

ROY A. COOPER, III, as Governor of North Carolina; SUSAN WEAR KLUTTZ, Secretary of the North Carolina Department of Natural and Cultural Resources, individually and in her official capacity; KARIN COCHRAN, Chief Deputy Secretary of the North Carolina Department of Natural and Cultural Resources, individually and in her official capacity; KEVIN CHERRY, Deputy Secretary of the North Carolina Department of Natural and Cultural Resources, individually and in his official capacity; STEPHEN R. CLAGGETT, a/k/a Steve Claggett, State Archaeologist, individually and in his official capacity; JOHN W. MORRIS, a/k/a Billy Ray Morris, Deputy State Archaeologist - Underwater and Director of the Underwater Archaeology Branch of the North Carolina Department of Natural and Cultural Resources, individually and in his official capacity; NORTH CAROLINA DEPARTMENT OF NATURAL AND CULTURAL RESOURCES; STATE OF NORTH CAROLINA; CARY COX, Assistant Secretary, Marketing and Communications of the North Carolina Department of Natural and Cultural Resources, individually and in her official capacity

Defendants - Appellees

and

FRIENDS OF QUEEN ANNE'S REVENGE, A NON-PROFIT CORPORATION

Defendant

O R D E R

The court consolidates Case No. 17-1522 and Case No. 17-1602 as cross appeals. The appellant in Case No. 17-1522 shall be considered the appellant for purposes of the consolidated appeals and shall proceed first at briefing and at oral argument. Entry of appearance forms and disclosure statements filed by counsel and parties to the lead case are deemed filed in the secondary case.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk